

REMARKS

This Amendment amends the specification, and amends claims 1, 8, 9, 13 and 14 in accordance with the original disclosure. Claim 7 has been canceled. Claims 1, 3-6, 8-9, 11-16, and 18 remain pending in this application.

In the Drawings

The drawings were objected to because the addition of roller R is allegedly new matter. As suggested by the Examiner, Applicant has amended paragraph [0026] of the specification to recite “and at least one guide roller schematically shown at R” (emphasis added) to meet this objection. Accordingly, in view of the amendment to the specification, no amendment to the drawings is necessary.

The drawings were also objected to under 37 C.F.R. §1.83(a) for failing to show every feature recited in the claims. Specifically, the drawings were objected to as failing to show the floor plate of claim 1. Accordingly, claims 1, 8 and 9 have been amended to recite, in relevant part, “at least one support structure for a floor plate” as shown in Figs. 2 and 3 as reference numeral 13. Accordingly, in view of the amendment to the claims, no amendment to the drawings is believed necessary.

The drawings were also objected to as failing to show a roller in each guide element of claim 7. Claim 7 has been canceled. Accordingly, in view of the amendment to the claims, no amendment to the drawings is necessary.

Applicant respectfully requests withdrawal of the objections to the drawings.

In the Specification

The specification has been amended to recite that “Each guide element 9 can include a U-shaped profile that is firmly connected with the vehicle frame 1 and at least one guide roller schematically shown at R” in accordance with the Examiner’s suggestion. Reconsideration of the objection to the specification is respectfully requested.

Claim Objections

Claims 13-14 have been objected to due to certain informalities. Specifically, claims 13-14 have insufficient antecedent basis for the terms “the suspension element” and “the damping element”. Claims 13-14 have been amended to properly refer to these terms as

“at least one suspension element” and “at least one damping element”, respectively. Reconsideration or the objection to claims 13-14 is respectfully requested.

Rejections Under 35 U.S.C. §102(b)

Claims 1 and 3 stand rejected for anticipation by British Patent GB 1 440 686 (hereinafter “GB ‘686”). In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Claim 1, as amended, is directed to an industrial truck comprising a vehicle frame and a driver’s station. The driver’s station comprises at least one support structure for a floor plate and at least one driver’s seat. An intermediate frame is located at the driver’s station. The support structure for the floor plate and the driver’s seat are fastened to the intermediate frame. At least one suspension element and at least one damping element separate from the suspension element, connect the intermediate frame with the vehicle frame. One end of the suspension element is connected to the intermediate frame and the other end of the suspension element is connected to the vehicle frame. One end of the damping element is connected to the intermediate frame and the other end of the damping element is connected to the vehicle frame. This structure is shown particularly in Figs. 1 and 2 of the pending application.

GB ‘686 discloses a seat 10 and control assembly 14 mounted on a rigid floor plate 13. The floor plate is connected to a base plate 18 by transversely-oriented scissor-type linkage systems 20. The base plate 18 is further connected to a support plate 22 by mutually perpendicular and interconnected tubular shafts 23, 24 and four control struts 30. The Examiner has characterized the four control struts 30 as including both suspension elements and damping elements. Accordingly, claim 1 has been amended to recite that the damping element is separate from the suspension element.

GB ‘686 does not teach nor suggest the invention as set forth in amended claim 1 including at least one suspension element and at least one damping element separate from the suspension element. Accordingly, claim 1, as amended, is not anticipated by GB ‘686 and is believed to be in condition for allowance.

Expedited Procedure Under 37 C.F.R. §1.116

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Claim 3 depends directly from, and adds further limitations to, claim 1. Since claim 3 depends from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

Rejections Under 35 U.S.C. §103

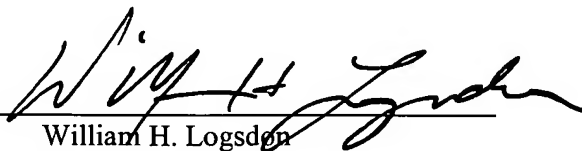
Claims 4-5, 11, and 13-15 stand rejected for obviousness over the teachings of GB '686. Claims 6-9 stand rejected for obviousness over the teachings of GB '686 in view of U.K. Patent 2,288,770 (hereinafter "UK '770"). Claims 12, 16 and 18 stand rejected for obviousness over the teachings of GB '686, in view of WO 91/04221 (hereinafter "WO '221"). Claims 4-9, 11, 13-16 and 18 depend directly or indirectly from independent claim 1. Neither UK '770 nor WO '221 teach nor suggest a damping element separate from a suspension element connecting the intermediate frame with the vehicle frame of an industrial truck as recited by amended independent claim 1. Accordingly, neither UK '770 nor WO '221 rectifies the deficiencies of GB '686. In view of the above amendments, reconsideration of these rejections is respectfully requested.

Conclusion

In view of the above amendments and remarks, reconsideration of the rejections and objections and allowance of claims 1, 3-6, 8-9, 11-16, and 18 are respectfully requested.

Respectfully submitted,

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